

House File 291

H-1094

1 Amend House File 291 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <DIVISION I

5 WAGE DISCRIMINATION IN EMPLOYMENT

6 Section 1. Section 216.6A, Code 2017, is amended by
7 adding the following new subsection:

8 NEW SUBSECTION. 2A. It shall be an unfair or
9 discriminatory practice for any employer or agent of
10 any employer to do any of the following:

11 a. Require, as a condition of employment, that
12 an employee refrain from disclosing, discussing,
13 or sharing information about the amount of the
14 employee's wages, benefits, or other compensation or
15 from inquiring, discussing, or sharing information
16 about any other employee's wages, benefits, or other
17 compensation.

18 b. Require, as a condition of employment, that an
19 employee sign a waiver or other document that requires
20 an employee to refrain from engaging in any of the
21 activities permitted under paragraph "a".

22 c. Discriminate or retaliate against an employee
23 for engaging in any of the activities permitted under
24 paragraph "a".

25 d. Seek salary history information, including
26 but not limited to information on compensation and
27 benefits, from a potential employee as a condition of a
28 job interview or employment. This paragraph shall not
29 be construed to prohibit a prospective employer from
30 asking a prospective employee what salary level the
31 prospective employee would require in order to accept
32 a job.

33 e. Release the salary history, including but
34 not limited to information on compensation and
35 benefits, of any current or former employee to any

1 prospective employer in response to a request as part
2 of an interview or hiring process without written
3 authorization from such current or former employee.

4 *f.* Publish, list, or post within the employer's
5 organization, with any employment agency, job-listing
6 service, or internet site, or in any other public
7 manner, an advertisement to recruit candidates for hire
8 or independent contractors to fill a position within
9 the employer's organization without including the
10 minimum rate of pay of the position. The rate of pay
11 may be by the hour, shift, day, week, salary, piece,
12 commission, or other applicable rate. The rate of pay
13 shall include overtime and allowances, if any, claimed
14 as part of the minimum wage, including but not limited
15 to tipped wages.

16 *g.* Pay a newly hired employee at less than the
17 rate of pay advertised for the employee's position as
18 required under paragraph "*f*".

19 DIVISION II

20 WAGE DISCRIMINATION — EQUAL PAY TASK FORCE AND REPORT

21 Sec. 2. EQUAL PAY TASK FORCE AND REPORT.

22 1. An equal pay task force is created. The task
23 force shall consist of the following members:

24 a. The director of the civil rights commission, or
25 the director's designee.

26 b. The director of the department of human rights,
27 or the director's designee.

28 c. An employee of the labor market information
29 division of the department of workforce development
30 designated by the director of the department.

31 d. A representative of the association of business
32 and industry, appointed by the president of the
33 association.

34 e. A member of a statewide labor organization
35 designated by the legislative council, appointed by the

1 president of the organization.

2 f. Two representatives of organizations whose
3 objectives include the elimination of pay disparities
4 between men and women and minorities and nonminorities
5 and that have undertaken advocacy, educational, or
6 legislative initiatives in pursuit of such objectives
7 appointed by the director of the civil rights
8 commission in consultation with the leadership of those
9 organizations.

10 g. Two representatives of postsecondary education
11 institutions who have experience and expertise in
12 the collection and analysis of data concerning pay
13 disparities between men and women and minorities and
14 nonminorities and whose research has been used in
15 efforts to promote the elimination of such disparities
16 appointed by the director of the civil rights
17 commission in consultation with the leadership of those
18 institutions.

19 h. Four members of the general assembly serving
20 as ex officio, nonvoting members, one representative
21 to be appointed by the speaker of the house of
22 representatives, one representative to be appointed by
23 the minority leader of the house of representatives,
24 one senator to be appointed by the majority leader of
25 the senate, and one senator to be appointed by the
26 minority leader of the senate.

27 2. The task force shall study all of the following:

28 a. The extent of wage disparities, both in the
29 public and private sectors, between men and women and
30 between minorities and nonminorities.

31 b. Factors that cause, or which tend to cause, such
32 disparities, including segregation between women and
33 men and between minorities and nonminorities across
34 and within occupations, payment of lower wages for
35 work in female-dominated occupations, child-rearing

1 responsibilities, the number of women who are heads of
2 households, education, hours worked, and years on the
3 job.

4 c. The consequences of such disparities on the
5 economy and affected families.

6 d. Actions likely to lead to the elimination and
7 prevention of such disparities.

8 3. The civil rights commission shall provide
9 staffing services for the task force.

10 4. The voting members shall elect a chairperson
11 from the voting membership of the task force. A
12 majority of the voting members of the task force
13 constitutes a quorum.

14 5. Voting members of the task force shall receive
15 reimbursement for actual expenses incurred while
16 serving in their official capacity only if they are not
17 eligible for reimbursement by the organization that
18 they represent. Legislative members shall be paid the
19 per diem and expenses specified in section 2.10.

20 6. The task force shall submit a report regarding
21 its findings and its recommendations regarding
22 potential actions for the elimination and prevention
23 of disparities in wages between men and women and
24 minorities and nonminorities to the governor and the
25 general assembly no later than December 22, 2017.>

26 2. Title page, by striking lines 1 through 7 and
27 inserting <An Act relating to employment matters
28 involving wage discrimination and creating an equal pay
29 task force.>

FINKENAUER of Dubuque